

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN**

---

JOHN HEYKOOP D/B/A EAGLE TOWING,

Plaintiff,

Case No.: 1:18-cv-00632

v

Hon. Robert J. Jonker

FIRST LIEUTENANT JEFFREY WHITE; FIRST  
LIEUTENANT CHRIS MCINTIRE.

Mag. Phillip J. Green

Defendants.

---

John S. Brennan (P55431)  
Christopher S. Patterson (74350)  
FAHEY SCHULTZ BURZYCH RHODES PLC  
Attorneys for Plaintiff  
4151 Okemos Road  
Okemos, Michigan 48864  
Tel: (517) 381-0100  
Fax: (517) 381-5051  
[jbrennan@fsbrlaw.com](mailto:jbrennan@fsbrlaw.com)  
[cpatterson@fsbrlaw.com](mailto:cpatterson@fsbrlaw.com)

Patrick S. Myers (P81444)  
Assistant Attorney General  
Attorney for Defendants  
Complex Litigation Division  
P.O. Box 30736  
Lansing, MI 48909  
Tel: (517) 373-6434  
[myersp4@michigan.gov](mailto:myersp4@michigan.gov)

---

**STIPULATED MOTION TO STRIKE FILING (DOC #46) FROM THE RECORD**

The parties jointly move this Court to strike the filing designated as Document Number 46 from the record. In support of the motion, the parties state as follows:

1. On August 7, 2018, this Court entered an Order of Referral to Standard Track Case Evaluation in this matter (Docket No. 18).
2. The Order prescribed that following case evaluation, the original evaluation document was to be forwarded to the ADR Administrator, and not filed electronically.
3. The case evaluation was held on February 26, 2019.

4. Following the case evaluation, the original evaluation document was inadvertently filed electronically as a case mediation report, including a report that the case has been settled.
5. The case has not been settled. The parties have 28 days in which to accept or reject the award, in accordance with the Court's August 7th Order. Furthermore, the evaluation document should not have been placed in the electronic file, per the same Order.
6. The parties received notice that the case evaluation document has now been transmitted to the ADR Administrator, as set out in the Order.

WHEREFORE, the parties jointly move that the Document No. 46 be struck and removed from the case file in this matter.

AGREED:

/s/ John S. Brennan  
John S. Brennan (P55431)  
Attorney for Plaintiff

Dated: February 26, 2019

/s/ Patrick S. Myers  
Patrick S. Myers (P81444)  
Attorney for Defendants

Dated: February 26, 2019

#### **CERTIFICATE OF SERVICE**

I hereby certify that on February 26, 2019 I electronically filed the forgoing paper with the Clerk of the Court using ECF system which will send notification of such filing on the attorneys of record.

/s/ Adrienne Monahan  
Adrienne Monahan  
Fahey Schultz Burzych Rhodes PLC  
4151 Okemos Road  
Okemos, Michigan 48864  
(517) 381-3202  
[amonahan@fsbrlaw.com](mailto:amonahan@fsbrlaw.com)